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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 DAWGS HOLDINGS, LLC,
16 Appellant

17 v.

18 MOJAVE DESERT HOLDINGS, LLC;
19 GEMCAP LENDING 1, LLC,
20 Respondents.

CASE NO: 2:20-CV-00261-JAD

Appeal From:

United States Bankruptcy Court for the
District of Nevada

Case No.: BK-S-180453-GS

Chapter 11

22 **MOTION TO VOLUNTARILY DISMISS APPEAL**

23 Pursuant to Federal Rule of Bankruptcy Procedure 8023, appellant Dawgs Holdings, LLC
24 (“Appellant”) hereby moves the Court for an order dismissing the above captioned appeal.
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I. **FACTUAL BACKGROUND**

On February 4, 2020, Appellant filed its Notice of Appeal and Statement of Election in the Bankruptcy Case of U.S.A. Dawgs, LLC, Case No. 18-10453, pending in the United States Bankruptcy Court for the District of Nevada (“Bankruptcy Court”) appealing the Order Denying Dawgs Holdings, LLC Motion to Enforce Sale Order.

Appellant elected to have the appeal heard by this Court. The other parties designated as parties to the appeal were Mojave Desert Holdings, LLC and GemCap Lending I, LLC.

On February 6, 2020, the Bankruptcy Court issues a Notice of Referral on Appeal To United States District Court.

On February 6, 2020, the Transmittal Form was entered by the Bankruptcy Court.

The Appellant has not filed a Designation of Record or Statement of Issues on Appeal.

Appellant has elected not to pursue the appeal. Given this early stage in the appeal, other parties to the appeal have not expended costs to appear or otherwise.

II.

Pursuant to Bankruptcy Rule 8023 provides:

The clerk of the district court or BAP must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the district court or BAP.

Given the infancy of the appeal and Appellant's decision not to pursue the appeal, Appellant respectfully requests that the appeal be dismissed.

III. CONCLUSION

Based on the foregoing, Appellant hereby requests that the Court dismiss the appeal.

Dated this 8 of February, 2020.

BLACK & LOBELLO

By

~~Brigid M. Higgins, Esq.~~

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